



ORIGINAL

1

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

IN THE UNITED STATES DISTRICT COURT  
IN AND FOR DISTRICT OF DELAWARE

WILLIE DAVIS, JR., )  
NATHANIEL BRIDDELL, )  
GEORGE W. FEDDIMAN, )  
JOSEPH GARRISON, )  
LARRY E. GIBBS, )  
ROY H. WALTERS, )  
ALL SIMILARLY SITUATED CURRENT )  
AND FORMER EMPLOYEES OF )  
MOUNTAIRE FARMS, INC., )  
MOUNTAIRE FARMS OF DELMARVA, )  
INC., and MOUNTAIRE FARMS OF )  
DELAWARE, INC., )  
Plaintiffs, )  
-vs- )  
MOUNTAIRE FARMS, INC., )  
MOUNTAIRE FARMS OF )  
DELMARVA, INC., and )  
MOUNTAIRE FARMS OF )  
DELAWARE, INC., all Delaware )  
corporations, )  
Defendants. )

C.A. No. 04-0414

Deposition of GEORGE FEDDIMAN, taken before  
Pamela C. Washington, Registered Professional Reporter  
and Notary Public, at the law offices of Young,  
Conaway, Stargatt & Taylor, 110 West Pine Street,  
Georgetown, DE, on February 1, 2005, beginning at  
10:00 a.m.

APPEARANCES:

On behalf of the Plaintiffs:  
Margolis Edelstein  
BY: JEFFREY K. MARTIN, ESQ.  
and KERI L. WILLIAMS, ESQ.  
1509 Gilpin Avenue  
Wilmington, Delaware 19806

On behalf of the Defendants:  
Shawe & Rosenthal  
BY: ARTHUR M. BREWER, ESQ.  
20 South Charles Street  
Baltimore, Maryland 21201

FIRST STATE REPORTING SERVICE (302) 424-4541  
Pamela C. Washington, FPP  
P.O. Box 99 Milford, Delav

A00634

Feddiman - Brewer

1 A What crew?  
2 Q No, I'm sorry. The certification to  
3 operate a forklift, where did you get that?  
4 A From Mountaire.  
5 Q From Mountaire?  
6 A Through my supervisors.  
7 Q And who was your supervisor?  
8 A Doug Lynch and David Nuse.  
9 Q I may have asked you this and, if I  
10 did, please forgive me: When did you first begin  
11 working for Mountaire?  
12 A May the 9th.  
13 Q Of what year?  
14 A I think it was '94.  
15 Q '94? Prior to that, is that when you  
16 worked for Cargill?  
17 A No. I worked to Berlin to Hudson Food.  
18 Q Okay. So this is Mountaire starting in  
19 '94, and how long had you worked at Hudson?  
20 A Two years.  
21 Q So that would be --  
22 A The rest of the time was spent at  
23 Paramount, Cargill, and Allen's.  
24 Q So, let's see, if I have this  
25 approximately right, it would be approximately May of

FIRST STATE REPORTING SERVICE (302) 424-4541  
Pamela C. Washington, R<sup>nn</sup>  
P.O. Box 99 Milford, Delaw

A00635

Feddiman - Brewer

1 Mountaire to go someplace else and then come back to

2 Mountaire?

3 A No.

4 Q When did you first become a crew  
5 leader?

6 A I don't even know the exact date that  
7 it was, but I know I got -- I sent the lawyer the copy  
8 that I got from down to payroll. I know it was nine  
9 months, anyway.

10 Q All right, I'll take a look at that.

11 A From the time I started until the time  
12 I ended.

13 Q And when you were a crew leader, can  
14 you tell me how you were paid?

15 A I was paid by the thousand.

16 Q So for every thousand chickens that  
17 your crew caught, you received a certain amount of  
18 money?

19 A Yes.

20 Q For every thousand chickens that were  
21 caught?

22 A Uh-huh.

23 MR. MARTIN: Yes?

24 THE WITNESS: Yes.

25

FIRST STATE REPORTING SERVICE (302) 424-4541  
Pamela C. Washington, R<sup>nn</sup>  
P.O. Box 99 Milford, Delaw

A00636

Feddiman - Brewer

1 working with the other crews, who would fill in for  
2 him?

3 A When I started, he started working with  
4 me all the time.

5 Q Okay. So the period of time then that  
6 you're the crew chief this nine months, Mr. Morris is  
7 on your crew?

8 A Yes.

9 Q Okay. Let me show you what has been  
10 marked as an Exhibit 2 to Mr. Garrison's deposition.  
11 If you look about half way down on the first page, it  
12 says crew leader's general duties. Do you see where  
13 I'm referring to, sir?

14 A Yes.

15 Q Now, again, the time frame that I'm  
16 interested in here is the time that you were a crew  
17 leader, okay?

18 A Okay.

19 Q This talks about a general duty of a  
20 crew leader to arrive at the farm on time, was that  
21 one of your responsibilities?

22 A Yes.

23 Q It also talks about an in item dividing  
24 the house into equal sections before the catching  
25 process, was that one of your responsibilities?

FIRST STATE REPORTING SERVICE (302) 424-4541  
Pamela C. Washington, RI  
P.O. Box 99 Milford, Delaware

A00637

Feddiman - Brewer

1                   A     When I went to do it, I had a house  
2 man.  
3                   Q     When you say a house man, that was --  
4                   A     I had a man that took care of that.  
5                   Q     -- that was a member of your crew?  
6                   A     Yes.  
7                   Q     He was a catcher?  
8                   A     Yes.  
9                   Q     So you assigned somebody as a house man  
10 to do this?  
11                  A     Yes.  
12                  Q     All right. But this was your  
13 responsibility as the crew leader?  
14                  A     To put the curtains up was my  
15 responsibility.  
16                  Q     Right. But you had a house man; was it  
17 the same man all the time?  
18                  A     Yes.  
19                  Q     So you instructed him to take care of  
20 what it discusses in item B?  
21                  A     Yes.  
22                  Q     Now, it isn't always possible to divide  
23 the house into four equal sections, is it?  
24                  A     I had approximately eight curtains.  
25 No, it's not always possible for to divide it in four

FIRST STATE REPORTING SERVICE                   (302) 424-4541  
Pamela C. Washington, R--  
P.O. Box 99                                   Milford, Delaw.

A00638

Feddiman - Brewer

1 equal sections.

2 Q When you would get out to a house, I  
3 would assume you would take a look around at it and  
4 decide how you're going to set the house up, tell your  
5 house man how to do it and --

6 A No. What we did, we moved -- we moved  
7 the curtains. We catch so much and move them until we  
8 get to the end of the house.

9 Q Okay. And would the house man be the  
10 one who's moving the curtains?

11 A Most time I helped Little -- I call him  
12 Little -- I helped him to move them.

13 Q Any of the other catchers help?

14 A Not very often.

15 Q You're also responsible for telling the  
16 catchers how many chickens go into each compartment in  
17 the cage?

18 A Yes.

19 Q When it talks about in item D catching  
20 all birds in place at night, never move them into less  
21 than 70 percent of the normal floor space, was that  
22 one of your responsibilities?

23 A We do what we call drive over. Then we  
24 walk through them, make sure they're not on the walls,  
25 they'll smother.

FIRST STATE REPORTING SERVICE (302) 424-4541  
Pamela C. Washington, PRR  
P.O. Box 99 Milford, Dela

A00639

Feddiman - Brewer

1 Q Right. But sometimes you'd have to  
2 move the birds into a smaller floor space?

3 A I don't understand what you're saying.

4 Q These are guidelines, and in this item  
5 what we're talking about is your responsibilities as a  
6 crew leader, but it wasn't always possible to follow  
7 these things exactly the same way?

8 A No, no.

9 Q And you would be responsible for  
10 deciding how you're going to go about catching the  
11 chickens in this particular house?

12 A Yes.

13 Q Okay. You mentioned earlier you would  
14 tell your house man how you wanted it done?

15 A Yes. Most time, the house man pretty  
16 well know, but me and him would be together on that.

17 Q Okay. Let's take a look at Item E, it  
18 talks about observing the uncaught birds to prevent  
19 smothers; that was also a responsibility that you had?  
20 I'm sorry, I'm on the next page, sir, the top, Item E.

21 A Item E?

22 Q Yes.

23 A Yes.

24 Q And the next one, Item F talks about  
25 making sure the cages were stacked uniformly on the

FIRST STATE REPORTING SERVICE (302) 424-4541  
Pamela C. Washington, RI  
P.O. Box 99 Milford, Delaware

A00640



Feddiman - Brewer

1 trailer, that was also one of your responsibilities?

2 A No.

3 Q It was not your responsibility?

4 A No. That's the forklift driver  
5 responsibility and the truck driver.

6 Q Well, that's true, but the forklift  
7 operator is a member of your crew?

8 A Yes, but that's his responsibility to  
9 load them cages, and it's the truck driver's  
10 responsibility to see that -- to see that he don't  
11 leave the yard with the cages not loaded like they  
12 should be so they won't fall off.

13 Q So are you saying to me that you had no  
14 responsibility to make sure that the cages were  
15 stacked properly on the trailer?

16 A If the truck driver came to me and said  
17 he was having a problem with the forklift driver to  
18 straighten them up, then I would come in. But the  
19 forklift driver responsibility to load the cages on  
20 the truck, not the crew leader.

21 Q No, maybe I'm not making -- I  
22 understand that, I understand the forklift operator  
23 does that, he's the one that picks up the cages and  
24 takes them out of the house and puts them on the  
25 trailer.

FIRST STATE REPORTING SERVICE (302) 424-4541  
Pamela C. Washington,  
P.O. Box 99 Milford, Dela

A00641

Feddiman - Brewer

1 A Yes.

2 Q That's his job, that's not your job as  
3 a crew leader, I understand that. But my question is  
4 as a crew leader, did you have a responsibility to  
5 make sure that the forklift operator was doing his job  
6 properly?

7 A Yes.

8 Q Okay, that's all I was after. Item G  
9 talks about the summer, making sure the fans are left  
10 hanging until the birds have been caught and so forth;  
11 is that one of your responsibilities?

12 A Yes.

13 Q Okay. And Item H talks about not  
14 putting any more than the specified number of chickens  
15 per door; that means in the cage, does it not?

16 A Yes, especially hot weather.

17 Q Right. Fill out the farm ticket?

18 A Yes.

19 Q And check with the driver to make sure  
20 the load is secured?

21 A Yes.

22 Q Okay, maybe we can move on. Take a  
23 look at it talks about various catching methods here,  
24 it talks about night catching and then it talks about  
25 day catching with A-frame houses; would you say that

FIRST STATE REPORTING SERVICE (302) 424-4541  
Pamela C. Washington,  
P.O. Box 99 Milford, Dela

A00642

Feddiman - Brewer

1 MR. MARTIN: I'm going to object to the  
2 form of the question.

3 THE WITNESS: The catchers pretty well  
4 know where to put the birds at without a crew leader  
5 telling them every -- what we call a house man, he  
6 pretty well knows just as much as the crew leader do.  
7 But we run them to the front of the house when we got  
8 walk-outs.

9 BY MR. BREWER:

10 Q And that's what this talks about in  
11 walk-outs here?

12 A Yes.

13 Q Okay. But that was one of the  
14 responsibilities, you would make sure this is done the  
15 way it's supposed to be done?

16 A Yes.

17 Q Then we talk about day catching, down  
18 here talks about Ins or A-frame houses, talks about  
19 how they should be caught; were you responsible for  
20 making sure that these things happened?

21 A Yes.

22 Q And that includes I mean the fire fans  
23 and Items A, B, C, D, and they go all the way down on  
24 the next page, Item H, these were things that you were  
25 responsible for?

FIRST STATE REPORTING SERVICE (302) 424-4541  
Pamela C. Washington, RPP  
P.O. Box 99 Milford, Delaw:

A00643

Feddiman - Brewer

1 A Yes.

2 Q It talks about walk-out or shed houses,  
3 these are different kind of houses that a farmer might  
4 have or grower?

5 A Yes.

6 Q And this talks about what your  
7 responsibilities are to make sure those birds are  
8 caught that way; were these your responsibilities?

9 A Yes.

10 Q The next item on this document talks  
11 about tunnel ventilation in Roman Numeral IV; was it  
12 your responsibility to make sure that what is said  
13 here was followed?

14 A The crew leader and the grower, yes.

15 Q Okay. The next part of the thing on  
16 the next to the last two pages talk about tunnel  
17 ventilation procedures, talks about conventional  
18 houses that are 400 feet or least, and then it talks  
19 about houses that are 400 feet long; were you  
20 responsible for making sure that these directives were  
21 followed by your crew?

22 A Yes.

23 Q Okay. Mr. Feddiman, I'm going to show  
24 you a document that was marked as Exhibit Number 1 to  
25 Mr. Garrison's deposition, and ask you if you have

FIRST STATE REPORTING SERVICE (302) 424-4541  
Pamela C. Washington,  
P.O. Box 99 Milford, Dela

A00644

Feddiman - Brewer

1 seen that before?

2 A Yes.

3 Q Is this the farm ticket you referred to  
4 earlier that you looked at?

5 A Yes.

6 Q Okay. Let's go through this. At the  
7 top of the document, there's a date, who fills that  
8 in?

9 A Most time, I did.

10 Q Okay. And there is a lot number, who  
11 fills that in?

12 A Very seldom I fill the lot.

13 Q Okay. How about the load number?

14 A Yes.

15 Q Would you fill that in?

16 A Yes.

17 Q And when it says load number, what does  
18 that mean?

19 A One, two, three, four, how many loads  
20 you caught.

21 Q In other words, how many trucks?

22 A Yes.

23 Q Truck loads?

24 A Yes, what number load it was; first  
25 load, second load, third load.

FIRST STATE REPORTING SERVICE (302) 424-4541  
Pamela C. Washington, ---  
P.O. Box 99 Milford, Dela

A00645

Feddiman - Brewer

1 Q Okay, thank you, that helps me out.

2 The grower, also referred to sometimes as the  
3 farmer --

4 A I did.

5 Q -- you fill that in?

6 A Yes.

7 Q Houses, can you tell me who would fill  
8 in that information?

9 A I did.

10 Q And what information would you fill in  
11 there?

12 A House 1, house 2, house 3.

13 Q So the houses on the farms are  
14 numbered?

15 A Yes.

16 Q And would you fill out which house you  
17 were catching?

18 A Yes.

19 Q Okay. And it says time started, who  
20 would fill that in?

21 A I never did.

22 Q You never did?

23 A No.

24 Q You mentioned keeping a record of  
25 members of your crew and how many birds they caught.

FIRST STATE REPORTING SERVICE (302) 424-4541  
Pamela C. Washington, RPI  
P.O. Box 99 Milford, Delaware

A00646

Feddiman - Brewer

1 A Yes.

2 Q Okay, that's not this document?

3 A No.

4 Q That's another document? All right.

5 So you did not fill out time started?

6 A No.

7 Q How about time finished?

8 A No.

9 Q Truck, who would fill that out?

10 A I think Larry and them hadn't been too  
11 long started filling out all this.

12 Q That's okay, I'm just interested in  
13 that nine-month period that you were a crew leader.

14 A Yes.

15 Q That's all. And you're telling me that  
16 during the period of time that you were a crew  
17 leader --

18 A Yes.

19 Q -- that you did not fill out time  
20 started?

21 A No.

22 Q And you did not fill out time finished?

23 A No.

24 Q How about temperature?

25 A No.

FIRST STATE REPORTING SERVICE (302) 424-4541  
Pamela C. Washington, F  
P.O. Box 99 Milford, Delav

A00647

Feddiman - Brewer

1 Q Truck?  
2 A Yes.  
3 Q What would you put in there?  
4 A Truck number.  
5 Q The number of the vehicle?  
6 A Yes.  
7 Q And when we talk about the number of  
8 the vehicle, we're not talking about a license plate?  
9 A No.  
10 Q Okay. And how about trailer?  
11 A Trailer number.  
12 Q Same thing with the trailer number?  
13 How about driver?  
14 A Driver's name.  
15 Q Okay, would you fill that in?  
16 A Yes.  
17 Q Number of doors?  
18 A Yes.  
19 Q Yes what, you would fill that in?  
20 A Yes.  
21 Q Okay. And then it would be the number  
22 and then it says times per door?  
23 A Yes, how many birds you put to a door.  
24 Q And then you would multiply number of  
25 birds per door, and that would equal a set number?

FIRST STATE REPORTING SERVICE (302) 424-4541  
Pamela C. Washington, RPR  
P.O. Box 99 Milford, Delaware

A00648



Feddiman - Brewer

1 A Yes.

2 Q There is a line here that says total,  
3 who would fill that in?

4 A I don't know who, I guess whoever works  
5 in the scales.

6 Q Okay, so you wouldn't fill that in?

7 A No.

8 Q How about average weight, would you  
9 fill that in?

10 A No.

11 Q Let's go down to the next part of it.  
12 It says sign present, and there are two boxes, yes or  
13 no; who would fill that information in?

14 A Well, I wasn't -- I never did. Every  
15 once in a while, if it was a place that I felt needed  
16 some work correction done, I would fill in these  
17 blocks here.

18 Q Okay, that's fair. But let's talk  
19 about the instances where you felt something needed to  
20 be done. So they're talking about the sign present,  
21 if the sign was not present, you would --

22 A Yes.

23 Q -- you would fill this out?

24 A Yes.

25 Q All right. How about the grower

FIRST STATE REPORTING SERVICE (302) 424-4541  
Pamela C. Washington, PRR  
P.O. Box 99 Milford, Dela

Feddiman - Brewer

1 present?

2 A I don't know, I never did have to fill  
3 that out because most of the time the grower was  
4 present.

5 Q Okay. But if the grower weren't  
6 present, would you fill it out?

7 A No.

8 O Okay, so you wouldn't fill it out,  
9 whether he was there or not?

10 A No.

11 Q Okay. DAFs prior to catch.

12 A No.

13 Q DAF stands for what, sir, do you know?

14 A I don't even know what it stands for.

15 O If I suggested the number of chickens  
16 that are dead at the farm?

17 A Probably, yes.

18 Q Okay, does that sound right?

19 A Yes.

20 Q And you would never fill that out?

21 A No.

22 Q How about a fire fan used, would you  
23 fill that out?

24 A Stop a minute please.

25 Q Sure, sure.

FIRST STATE REPORTING SERVICE (302) 424-4541  
Pamela C. Washington, RPP  
P.O. Box 99 Milford, Delaw.

A00650

Feddiman - Brewer

1           A     When I took the job as crew leader, I  
2     was told the main things to fill out on here, and  
3     these weren't none of them.

4           Q     Okay, well, we'll just go through them  
5     and that way I can find out what you filled out.

6           A     Yes.

7           Q     So you would not check the DAF box?

8           A     No.

9           Q     The dead at farm prior to catch, you  
10    would not check that?

11          A     No.

12          Q     Okay. How about the next one, whether  
13    a fire fan was used?

14          A     No.

15          Q     How about if the chickens were watered?

16          A     No.

17          Q     Feeders up?

18          A     No.

19          Q     Waters up?

20          A     No.

21          Q     Stoves up?

22          A     No.

23          Q     How about farm damage?

24          A     I would turn that into Doug Lynch.

25          Q     Would you check this box?

FIRST STATE REPORTING SERVICE                   (302) 424-4541  
Pamela C. Washington, RPF  
P.O. Box 99                                       Milford, Delaware

A00651

Peddiman - Brewer

1 A I would tell him that myself.

2 Q Would you fill in the box?

3 A No.

4 Q Okay, so when you arrived at a farm,  
5 would you look around the farm to see if there was any  
6 damage that was already there?

7 A No.

8 Q How would you know to tell Mr. Lynch  
9 that there was damage at the farm?

10 A Mose time, any damage was inside the  
11 house. If the forklift driver did anything, any  
12 damage, I would turn that in.

13 Q But you wouldn't fill this out? When  
14 you say turn it in, how would you turn it in?

15 A I try to do it verbally.

16 Q You would do it verbally, and would you  
17 tell Mr. Lynch?

18 A I would tell the grower first to call  
19 it in.

20 Q All right. Now, how would you know  
21 whether your forklift operator was the one who did the  
22 damage?

23 A Well, when you be doing something a  
24 long time, you pretty well know. After 20 years'  
25 experience, I pretty well know what's done happen when

FIRST STATE REPORTING SERVICE (302) 424-4541  
Pamela C. Washington, RFP  
P.O. Box 99 Milford, Delaware

A00652

Feddiman - Brewer

1 I get to the farm.

2 Q So you can tell whether it was there  
3 before you started or after --

4 A Yes.

5 Q -- just by looking at it?

6 A Even if a pole is broke in the house,  
7 we can tell whether we did it that day or whether it  
8 was done before we got there.

9 Q I don't have your experience; can you  
10 tell me how you tell that?

11 A Well, Mr. Lynch knows, it will have  
12 spider webs and different things in it if its been  
13 done before.

14 Q When you say spider webs, you're  
15 talking about webs made by spiders? That's not a term  
16 that's used in the industry; you mean a regular spider  
17 web that would I know?

18 A Dust, different things.

19 Q So just by looking at the seam, you  
20 could tell --

21 A Yes.

22 Q -- whether or not it was done recently  
23 or whether it was done --

24 A I can go in a chicken house and tell  
25 just by looking around whether something was done

FIRST STATE REPORTING SERVICE (302) 424-4541  
Pamela C. Washington, RPR  
P.O. Box 99 Milford, Delaware

A00653

Feddiman - Brewer

1 prior.

2 Q Okay, that's fine. All I wanted to  
3 know is how you could do that, but now you have helped  
4 me out; thanks.

5 Going to the second part of the form on  
6 the right-hand side, it says drive entrance accept or  
7 unaccept, would you check these boxes?

8 A No.

9 Q The house entrances, acceptable or  
10 unacceptable, would you check those?

11 A No.

12 Q And roads, loading area, would you  
13 check any of that?

14 A No. I turn all this in to -- I would  
15 mention it to Doug if something's -- I still do it  
16 today, if something's out of the way, I'll turn it in  
17 and tell -- talk to him about it.

18 Q So if the entrance to a particular farm  
19 isn't satisfactory -- I'll use that form -- in your  
20 view, would you tell Mr. Lynch, "You've got to do  
21 something about that, the road coming in here is bumpy  
22 or not wide enough," or something like that?

23 A Well, I was blessed when I was running  
24 the crew, I very seldom got to farms that needed all  
25 these attentions. But right now I don't have to do it

FIRST STATE REPORTING SERVICE (302) 424-4541  
Pamela C. Washington, RPR  
P.O. Box 99 Milford, Delaw.

A00654

Feddiman - Brewer

1 because Larry takes care of it.

2 Q Right, I understand that. But that was  
3 your responsibility when you were a crew leader, to do  
4 that?

5 A Yes.

6 Q And you handled that by verbally  
7 telling Mr. Lynch as opposed to checking the boxes, is  
8 what I'm getting from what your testimony is?

9 A Yes.

10 Q Okay, that's fine, thanks. All right.  
11 I think you told me that when you became a crew  
12 leader, you already had a crew, it was a hundred  
13 percent staffed when you took it?

14 A No, I didn't have no crew. Oh, yeah, I  
15 had a full crew.

16 Q Right, okay, that's what I thought.  
17 While you were a crew leader, did you ever send any of  
18 your catchers over to help somebody out on another  
19 crew who might have been short?

20 A No.

21 Q No? Any of them ever send people,  
22 catchers over to you because you were short?

23 A Yes, I had them come to me, but the  
24 crew I had didn't go to no one.

25 Q All right. So you had people come from

FIRST STATE REPORTING SERVICE (302) 424-4541  
Pamela C. Washington, F  
P.O. Box 99 Milford, Delav

A00655

Feddiman - Brewer

1 Q You never did that?

2 A Charlie did it.

3 Q Who is Charlie?

4 A He was the lift driver.

5 Q Okay. And suppose the driver didn't  
6 want to put the truck where Charlie said to put it?

7 A I never had that problem when I was  
8 running the crew.

9 Q If that problem would have happened,  
10 what would you do?

11 A Then I would have told him where to put  
12 it.

13 Q Okay. As a crew leader, again, this is  
14 that short period of time that you were a crew leader,  
15 did you have any obligations to make sure that your  
16 catchers were doing things in a safe way?

17 A Safety is always first with me.

18 Q So that would have been a  
19 responsibility that you would have had as a crew  
20 leader, to make sure they're doing things in a safe  
21 way?

22 A Yes.

23 Q Okay. While you were a crew chief, a  
24 crew leader, I should say, did any of your members of  
25 your crew get hurt?

FIRST STATE REPORTING SERVICE (302) 424-4541  
Pamela C. Washington, RP  
P.O. Box 99 Milford, Delawa

A00656



Feddiman - Brewer

1 Q We have a ritual of breaking about  
2 every hour, and it's just about that time. I have  
3 these documents to go through that will probably take  
4 a little time, so you want to take a few minutes now?

5 MR. MARTIN: Sure.

6 (Whereupon, a short recess was taken.)

7 BY MR. BREWER:

8 Q Mr. Feddiman, did you have any occasion  
9 to interact or, let me put it this way, to talk to  
10 anybody in accounting for any reason while you were a  
11 crew leader?

12 A In accounting?

13 Q In accounting.

14 A Yes.

15 Q What would cause you to have to talk to  
16 people in accounting?

17 A We have to get a slip for the guys to  
18 get money.

19 Q When you say a slip for the guys to get  
20 money, you mean somebody would want an advance on  
21 their salary?

22 A Something like an advance.

23 Q And they would, what, come to you and  
24 ask for that?

25 A I had slips to fill out.

FIRST STATE REPORTING SERVICE (302) 424-4541  
Pamela C. Washington, RPP  
P.O. Box 99 Milford, Delawa

A00657

Feddiman - Brewer

1 Q And would you take --

2 A And Doug Lynch had to sign them.

3 Q Okay. Would you be able to go get the  
4 money from accounting to give to the men who wanted  
5 it?

6 A Yes.

7 Q And you would fill out a slip?

8 A We had -- yeah.

9 Q Okay. Let me show you a document that  
10 is going to be marked as Exhibit 1 to your deposition.

11 (Feddiman Exhibit 1, marked for  
12 identification.)

13 BY MR. BREWER:

14 Q Can you tell me what this is?

15 A This is a slip for Roy Leonard's  
16 vacation.

17 Q And who is Mr. Leonard?

18 A He was a catcher.

19 Q Did he work on your crew?

20 A Yes.

21 Q And what is he asking for here?

22 A He's asking for his money, he just  
23 wanted his money, he wasn't going to take the days  
24 off.

25 Q All right, it says personal floating

FIRST STATE REPORTING SERVICE (302) 424-4541  
Pamela C. Washington, RPR  
P.O. Box 99 Milford, Delaw.

A00658

Feddiman - Brewer

1 holiday/anniversary, he was looking for a day's pay?

2 A I don't know if this is a day's pay or  
3 a vacation.

4 Q Okay. But he's asking for --

5 A Anyway, he just requested money only,  
6 so I don't ...

7 Q And when someone requests money only,  
8 they want the pay for the time but they are also going  
9 to continue to work, is that what that means?

10 A Yes.

11 Q And is that your signature where it  
12 says supervisor's signature?

13 A Yes.

14 Q And the box isn't checked; did you  
15 approve this or disapprove this, sir?

16 A I approved it.

17 Q Okay. Next page is Mr. Leonard again,  
18 and again he's requesting time off?

19 A He's requesting money but he's working.

20 Q Okay. And is that your signature where  
21 it says supervisor's signature?

22 A Yes.

23 Q Did you approve this or disapprove  
24 this?

25 A I approved it.

FIRST STATE REPORTING SERVICE (302) 424-4541  
Pamela C. Washington, P.O.  
P.O. Box 99 Milford, Dela

A00659

Feddiman - Brewer

1 O The next page, Mr. Leonard again, and  
2 this time it looks like he's requesting vacation?

3 A Yes.

4 Q What I'm reading here, it says  
5 date/dates requested, January 22nd, 2001 through  
6 January 27, 2001, and then he wants all weeks' pay on  
7 January 25, '01.

8 A Yes.

9 Q All right, so he wants the time off now  
10 but he wants to get all his money for the pay on the  
11 25th, if I'm understanding that correctly?

12 A Yes.

13 Q All right. So he's going to take time  
14 off now?

15 A Well, he didn't take all the time off,  
16 but he wanted all his money on that date.

17 Q So he's not taking time off?

18 A I don't remember whether he took off,  
19 he didn't take all them weeks.

20 Q Okay.

21 A But he wanted -- he wanted his money at  
22 that time.

23 Q Okay. Did he take some time off?

24 A Yes.

25 Q Okay. And is that your signature where

FIRST STATE REPORTING SERVICE (302) 424-4541  
Pamela C. Washington, RPD  
P.O. Box 99 Milford, Delaw.

A00660

Feddiman - Brewer

1 it says supervisor's signature?

2 A Yes.

3 Q And of course you checked the box  
4 approved, okay. Mr. Leonard again, requesting  
5 vacation. This might be a copy of the same -- it  
6 appears to be a little different, but it's requesting  
7 the same period of time?

8 A Yes.

9 Q Okay. And it is the same date so it  
10 appears to be a similar copy. All right, let's go to  
11 the next one with Mr. Leonard again, and he's  
12 requesting again money only?

13 A Yes.

14 Q And it says supervisor's signature, is  
15 that your signature?

16 A Yes.

17 Q Did you approve or disapprove of this,  
18 sir?

19 A Approved.

20 Q Okay. The next one is a Mason, is it  
21 Tindley, T-i-n-d-l-e-y?

22 A Yes.

23 Q Who is Mr. Tindley?

24 A He's a catcher.

25 Q And was he on your crew?

FIRST STATE REPORTING SERVICE (302) 424-4541  
Pamela C. Washington,  
P.O. Box 99 Milford, Dela

A00661

Feddiman - Brewer

1 A Yes.

2 Q What is Mr. Tindley requesting?

3 A He wants money only, a day off, too.

4 Q Okay. And is that your signature?

5 A Yes.

6 Q Did you approve or disapprove this,

7 sir?

8 A Approved.

9 Q The next sheet is Mr. Tindley again,

10 and what is he requesting here?

11 A Money and a day off.

12 Q Okay. And that's your signature?

13 A Yes.

14 Q Is this approved or disapproved?

15 A Yes.

16 Q It's approved?

17 A Approved.

18 Q Okay. The next page is a William, can

19 you make out that last name for me?

20 A Jarmon.

21 Q Jarmon, J-a-r-m-o-n?

22 A Yes.

23 Q Who is Mr. Jarmon?

24 A He's a catcher.

25 Q And was he on your crew?

FIRST STATE REPORTING SERVICE (302) 424-4541  
Pamela C. Washington, RP  
P.O. Box 99 Milford, Delawa

A00662

Feddiman - Brewer

1 A Yes.  
2 Q Okay. And he is asking for money only  
3 for a day off?  
4 A Yes.  
5 Q But he just wants money, he will work  
6 the day?  
7 A Yes.  
8 Q Is that your signature?  
9 A Yes.  
10 Q Was this approved or disapproved?  
11 A It was approved.  
12 Q Okay. Mr. Jarmon again, he's asking  
13 vacation?  
14 A Yes.  
15 Q He wants the money only?  
16 A Yes.  
17 Q And your signature? Is that your  
18 signature there, sir?  
19 A Yes.  
20 Q And of course you approved this.  
21 Richard Parker, do you know Mr. Parker?  
22 A Yes.  
23 Q Who is he?  
24 A He's one of my catchers.  
25 Q One your catchers?

FIRST STATE REPORTING SERVICE (302) 424-4541  
Pamela C. Washington, R  
P.O. Box 99 Milford, Delaw

A00663

Feddiman - Brewer

1 A One of, yes.

2 Q And Mr. Parker is requesting a week's  
3 worth of vacation --

4 A Yes.

5 Q -- on the dates indicated here?

6 A Yes.

7 Q Is that your signature where it says  
8 supervisor's signature?

9 A Yes.

10 Q And the boxes aren't checked, so did  
11 you approve or disapprove of this?

12 A Approved.

13 Q The next page is Mr. Parker again, and  
14 he's requesting a day off?

15 A Yes.

16 Q And he wants to take the day off?

17 A Yes.

18 Q Okay. And is that your signature?

19 A Yes.

20 Q I don't see whether that was approved  
21 or disapproved, can you tell me?

22 A It was approved.

23 Q Approved, all right. Mr. Parker again,  
24 he's requesting a day off but he wants money only?

25 A Yes.

FIRST STATE REPORTING SERVICE (302) 424-4541  
Pamela C. Washington, ---  
P.O. Box 99 Milford, Del.

A00664



Feddiman - Brewer

1 Q And is that your signature?  
2 A Yes.  
3 Q Did you approve or disapprove this?  
4 A Approved.  
5 Q And the last page is a Nathaniel White?  
6 A Yeah.  
7 Q Who is Mr. White?  
8 A He was one of the catchers.  
9 Q Was he in your crew?  
10 A Yes.  
11 Q And he's requesting money only for one  
12 day?  
13 A Yes.  
14 Q Is that your signature where it says  
15 supervisor's signature?  
16 A Yes.  
17 Q And you approved this, I see, okay.  
18 MR. MARTIN: Can we go off the record  
19 for a moment?  
20 MR. BREWER: Sure.  
21 (Whereupon, there was a discussion held  
22 off the record.)  
23 (Whereupon, a luncheon recess was  
24 taken.)  
25 MR. MARTIN: During our recess, we have

FIRST STATE REPORTING SERVICE (302) 424-4541  
Pamela C. Washington, F  
P.O. Box 99 Milford, Delaw

A00665

1 had an opportunity to review the record provided this  
2 morning by Mountaire in the form of George Feddiman  
3 Exhibit Number 1, plus we have gotten some other  
4 verbal reports from Mountaire.

5 It appears that Mr. Feddiman stopped  
6 working as a crew leader sometime of April of 2001.  
7 If that is the case, then we submit that he would not  
8 properly be a party plaintiff in this matter because  
9 of the two-to-three-year look-back period.

10 As such, we would ask for the partial  
11 dismissal of this matter, specifically dismissing  
12 Mr. Feddiman as a party plaintiff, and we would ask  
13 that the dismissal be without prejudice, subject to  
14 Mr. Feddiman going back and finding any records to  
15 show that the representations here this morning were  
16 inaccurate.

17 And I have specifically asked  
18 Mr. Feddiman that should he find any records to  
19 suggest that he served as a crew leader any time after  
20 June 18 of 2001, that he should contact me  
21 immediately.

22 MR. BREWER: That's an accurate  
23 representation of our off-the-record discussions. And  
24 the defendant does not object to the dismissal without  
25 prejudice of Mr. Feddiman at this time.

FIRST STATE REPORTING SERVICE (302) 424-1511  
Pamela C. Washington, I  
P.O. Box 99 Milford, Delav

1                   In the event additional documents are  
2 presented which would change this matter, obviously we  
3 would reserve the right to then reopen the deposition  
4 and continue from where we left off.

5                   MR. MARTIN: If I may, since  
6 Mr. Feddiman may now be in the status of a witness, I  
7 would like to ask a few questions before concluding  
8 his deposition today.

9                   MR. BREWER: Sure.

10 BY MR. MARTIN:

11                   Q     Mr. Feddiman, as you know, you earlier  
12 affirmed to tell the truth. And we're going to  
13 continue the deposition; this time, I'm going to be  
14 asking you a few questions. The same rules apply that  
15 were given to you by Mr. Brewer.

16                   Mr. Feddiman, were there any days when  
17 you worked as a crew leader where you were not  
18 compensated for working as a crew leader?

19                   A     Sick day.

20                   Q     A sick day? Do you recall when that  
21 was?

22                   A     No, I don't recall the date.

23                   Q     Can you tell us what happened on that  
24 particular date?

25                   A     Robert Morris picked up the help for

FIRST STATE REPORTING SERVICE                   (302) 424-4541  
Pamela C. Washington, RP"  
P.O. Box 99                   Milford, Delawa

1 further.

2 MR. MARTIN: Okay, that's the end of  
3 the deposition. Mr. Feddiman, you have the  
4 opportunity to review the transcript and look for any  
5 inaccuracies and alert us to any inaccuracies, or you  
6 can waive your right to do that and trust the accuracy  
7 of Miss Washington, our court reporter. So that's up  
8 to you at this point.

9 THE WITNESS: I'll waive it.

10 MR. MARTIN: You will waive it?

11 THE WITNESS: Yes.

12 MR. MARTIN: All right, sir, thank you  
13 very much.

14 (Whereupon, presentation, reading, and  
15 signature to the deposition were waived.)  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

FIRST STATE REPORTING SERVICE (302) 424-4541  
Pamela C. Washington, F  
P.O. Box 99 Milford, Delaw